

2023V01354/BAW/JW

PHILIP R. SELLINGER

UNITED STATES ATTORNEY

BY: BARBARA A. WARD

ASSISTANT UNITED STATES ATTORNEY

970 BROAD STREET, SUITE 700

NEWARK, NEW JERSEY 07102

TEL: (973) 645-2700

barbara.ward@usdoj.gov

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>Hon.</b>
<b>v.</b>	<b>:</b>	<b>Civil Action No. 24-</b>
<b>APPROXIMATELY \$603,593.90</b>	<b>:</b>	<b>VERIFIED COMPLAINT</b>
<b>FORMERLY ON DEPOSIT IN</b>	<b>:</b>	<b><u>FOR FORFEITURE <i>IN REM</i></u></b>
<b>BANK OF AMERICA ACCOUNT</b>	<b>:</b>	
<b>NUMBER XXXXXXXX4480 HELD</b>	<b>:</b>	
<b>IN THE NAME OF DREWSAMEL</b>	<b>:</b>	
<b>GROUP LLC,</b>	<b>:</b>	
<b>Defendant <i>in rem</i>.</b>		

Plaintiff the United States of America, by its attorney, Philip R. Sellinger, United States Attorney for the District of New Jersey, for its verified complaint (the “Complaint”) alleges, upon information and belief, as follows:

**I. NATURE OF THE ACTION**

1. This action is brought by the United States of America seeking the forfeiture *in rem* of:

Approximately \$603,401 formerly on deposit in Bank of America account number XXXXXXXX4480 held in the name of Drewsamel Group LLC;

(hereinafter referred to as the “Defendant Funds”).

2. The Defendant Funds are subject to forfeiture to the United States of America pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 984, which subjects to civil forfeiture all property, real or personal, that constitutes or is derived from proceeds traceable to wire fraud, in violation of 18 U.S.C. § 1343, which is an offense constituting specified unlawful activity as defined in 18 U.S.C. § 1956(c)(7).

## **II. JURISDICTION AND VENUE**

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1345 and 1355(a).

4. Venue is proper pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture occurred in the District of New Jersey.

## **III. THE DEFENDANT FUNDS**

5. The Defendant Funds were seized pursuant to a seizure warrant issued on November 21, 2023 by the Honorable Cathy L. Waldor, United States Magistrate Judge for the District of New Jersey.

6. The Defendant Funds are being held in the CBP–Secret Service forfeiture suspense account held by the United States Treasury.

#### **IV. FACTS**

##### **A. Business Email Compromise Schemes**

7. A business email compromise scheme (“BEC”) is a scam that targets businesses, often those that work with foreign or domestic suppliers and/or businesses that regularly perform wire transfer payments. A BEC scheme is often carried out by compromising legitimate business email accounts through social engineering or computer intrusion techniques to conduct an unauthorized transfer of funds. The goal of most BECs, as with the one described herein, is to steal money through fraud and deceit.

##### **B. The Fraudulent Diversion of the Victim Company’s Payment**

8. The victim company (the “Company”) is a multinational corporation whose U.S. Regional Office is located in Charlotte, North Carolina. The Company operates out of Port Elizabeth, in or around Elizabeth, New Jersey, among other locations.

9. On November 16, 2022, a Company procurement team member received Invoice No. 12849 from a vendor with whom the Company regularly conducted business (the “Vendor”). The invoice was attached to an email from an individual the Company procurement team member believed to be an employee of the Vendor (the “Vendor Employee”). The email bore the Vendor Employee’s legitimate company email address, the last letters of which are “llc.com.” In the email, the Vendor Employee asked the Company to review the attached invoice, correct it if needed, and then process it for payment.

10. Later the same day, the Company procurement team member received an email from what appeared to be the Vendor Employee. This email bore the Vendor Employee's legitimate company email address and asked that the Company amend the Vendor's banking information. The Company procurement team member replied to the email and stated that to make this change, the Vendor would have to complete and return an IRS Form W-9 (Request for Taxpayer Identification Number and Certification) as well as a Vendor Amendment form on the Vendor's company letterhead containing the new banking information.

11. On November 21, 2022, the Company procurement team member received another email from what appeared to be the same Vendor Employee. Again, this email bore the Vendor Employee's legitimate company email address. The requested documents were attached to this email—*i.e.*, an IRS Form W-9 and a Vendor Amendment Form on the Vendor's company letterhead containing the new banking information. An image of a voided check for the new account was also attached.

12. On November 29, 2022, the Company procurement team member received an email from what appeared to be the Vendor Employee asking for confirmation that the Vendor's banking information had been updated in the Company's system. The Company procurement team member did not notice that this email came from a spoofed email address, the last letters of which were "lc.com" rather than "llc.com." The Company procurement team member responded that the update was still pending.

13. On December 2, 2022, the Company procurement team member received another email from the person he believed to be the Vendor Employee; however, this email also came from the spoofed email address used on November 29. The email requested confirmation that the Vendor's banking information had been updated in the Company's system. The Company procurement team member responded, advising that the information had been updated.

14. On December 5 and 6, 2022, the Company procurement team member initiated two automated clearinghouse (ACH) payments, in the amounts of \$16,583.39 and \$4,103,044.80, drawn on a Company account at Bank of America, as payment on two outstanding invoices from the Vendor. The payments were transferred to First Merchants Bank account number XXXXX6978, which was titled in the name of the Vendor ("FMB 6978").

15. On December 12, 2022, the real Vendor Employee, having not received payment on three outstanding invoices, sent an email to a different Company employee requesting a status update on the payments. At this point, the Company became aware of the fraud and notified Bank of America on December 13, 2022.

16. On December 14, 2022, the Company filed a report on the FBI's Internet Crime Complaint Center ("IC3").<sup>1</sup>

17. That same day, Bank of America attempted to reverse the ACH transfer, but the funds in FMB 6978 had already been partially depleted and the reversal was rejected.

---

<sup>1</sup> See <http://www.ic3.gov>.

18. Bank of America was able to recover \$603,401 of the funds transferred out of FMB 6978 because they had been moved to another Bank of America account. Specifically, the scammer(s) had issued a check for \$603,401 payable to “Drewsamel Group LLC” that was deposited, on December 9, 2022, into Bank of America account number XXXXXXXX4480 in the name of “Drewsamel Group, LLC” (“BOA 4480”). Bank of America restricted BOA 4480 before the funds could be accessed.

19. The sole signer on the Drewsamel Group LLC account was listed as “Samuel Andrews” (Andrews). In the account application, Andrews provided an address of 18 Jewett Place, Apt. A, Utica, NY 13501, for both his residence and business location. In addition, he provided an Arizona driver’s license number as his primary form of identification. A database search of this driver’s license number revealed that it had been fraudulently used by “Andrews” to set up the account. That Arizona driver’s license number actually belongs to another person, whose date of birth and social security number are different from those provided by “Andrews.” Further investigation revealed there is no driver’s license in the United States in the name of “Samuel Andrews” with the date of birth provided on the account application.

20. On January 17, 2023, Bank of America closed BOA 4480 and placed the funds into a suspense account.

### **C. Follow-Up Interviews by the Secret Service**

21. On or about June 27, 2023, the United States Secret Service special agent who is verifying this Complaint (the “Agent”) spoke with a Bank of America

investigator. The investigator confirmed that a check dated December 9, 2022 drawn on FMB 6978 in the amount of \$603,401 was deposited into BOA 4480. The investigator advised that “Samuel Andrews” was the only signer on the account and had never contacted the bank or made any attempt to recover the money in his account after it was closed on January 17, 2023.

22. On or about November 1, 2023, the Agent spoke to a high-level employee of the (victim) Company (the “Company Executive”). The Company Executive confirmed the details of the email exchanges between the Company procurement team member, the Vendor Employee, and the individual holding themselves out to be the Vendor Employee (see ¶¶ 9-15, above) and confirmed that the Company had sent the ACH payments on or about December 5 and 6, 2022 as a result of the fraudulent emails (see ¶ 14, above).

23. The Company Executive provided electronic copies of the emails as well as the attachments provided by the purported Vendor Employee on or about November 21, 2022. The W-9 provided by the individual holding himself out as the Vendor Employee listed a taxpayer identification number (“TIN”) different from the Vendor’s actual TIN and appears to be fictitious. The vendor amendment form contained the spoofed email address, a phone number not belonging to the Vendor, and the account number for the First Merchants Bank account that was not in fact the Vendor’s account. The Company Executive further advised that the Vendor is a real vendor of the Company and that the Vendor Employee’s email address ending in “llc.com” is the real email address for that person.

24. The Company Executive reported that, according to an internal investigation, the Vendor experienced a network breach at the time the suspect(s) began using the Vendor Employee's real email address as well as the spoofed email ending in "lc.com" in the furtherance of the BEC scam. The Company Executive confirmed that the Company has never done business with "Drewsamel Group LLC" or anyone named "Samuel Andrews."

## **V. CLAIM FOR FORFEITURE**

25. The allegations contained in paragraphs 1 through 24 of this Complaint are incorporated herein and made part hereof.

26. Based on the foregoing, there is probable cause to believe that the Defendant Funds are property that constitutes or is derived from proceeds traceable to wire fraud, in violation of 18 U.S.C. § 1343, and are therefore subject to civil forfeiture to the United States of America pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 984.

## **REQUEST FOR RELIEF**

WHEREFORE, the United States of America requests that the Clerk of the Court issue a warrant for the arrest and seizure of the Defendant Funds pursuant to Rule G(3)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, which the plaintiff will execute upon the Defendant Funds pursuant to 28 U.S.C. § 1355(d); that notice of this action be given to all persons who reasonably appear to be potential claimants to the Defendant Funds; that the Defendant Funds be forfeited and



condemned to the United States of America; that the plaintiff be awarded its costs and disbursements in this action; and that the Court grant such other relief it deems just and proper.

Dated: Newark, New Jersey  
March 12, 2024

PHILIP R. SELLINGER  
United States Attorney

Barbara A. Ward  
By: BARBARA A. WARD  
Assistant United States Attorney


**VERIFICATION**

I, Jeffrey McMickle, hereby verify and declare under penalty of perjury that I am a Special Agent with the United States Secret Service; that I have read the foregoing Verified Complaint for Forfeiture *in Rem* and know the contents thereof; and that the matters contained in the Verified Complaint are true to the best of my knowledge, information, and belief.

The sources of my knowledge and the grounds of my belief include the official files and records of the United States; information obtained directly by me; and information supplied to me from and by other law enforcement officials, during an investigation of alleged violations of Title 18, United States Code.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct, pursuant to 28 U.S.C. § 1746.

Dated this 12<sup>th</sup> day of March, 2024.

A handwritten signature in black ink, appearing to read "Jeff McMickle", written over a horizontal line.

Jeffrey McMickle, Special Agent  
United States Secret Service